

Senate Chamber, Atlanta, Georgia
Tuesday, January 10, 2006
Second Legislative Day

The Senate met pursuant to adjournment at 10:00 a.m. today and was called to order by the President.

Senator Balfour of the 9th reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

The following Senate legislation was introduced, read the first time and referred to committee:

SB 372. By Senators Rogers of the 21st, Hill of the 32nd, Wiles of the 37th, Seabaugh of the 28th, Pearson of the 51st and others:

A BILL to be entitled an Act to amend Title 42 of the O.C.G.A., relating to penal institutions, so as to change registration requirements and areas where certain offenders can reside as it affects sexual offenders; to reorganize and change provisions related to the State Sexual Offender Registry; to change and add certain definitions; to change provisions relating to registration requirements for sexual offenders; to provide for an annual registration fee; to provide that sexual offenders register prior to release from prison; to require each sheriff to maintain and update a list of all sexual offenders residing in the county; to provide for duties and responsibilities for sheriffs, the Department of Corrections, the Georgia Bureau of Investigation, and sexual offenders; to provide for other related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

SB 373. By Senators Douglas of the 17th, Grant of the 25th, Schaefer of the 50th, Staton of the 18th, Williams of the 19th and others:

A BILL to be entitled an Act to amend Code Section 40-5-36 of the Official Code of Georgia Annotated, relating to veterans' licenses, honorary licenses, and other distinctive licenses, so as to provide for an honorary license for the

unremarried surviving spouse or child of certain deceased military persons; to provide for conditions; to repeal conflicting laws; and for other purposes.

Referred to the Natural Resources and the Environment Committee.

SB 376. By Senators Douglas of the 17th, Grant of the 25th, Schaefer of the 50th, Staton of the 18th, Williams of the 19th and others:

A BILL to be entitled an Act to amend Code Section 15-12-1 of the Official Code of Georgia Annotated, relating to exemptions from jury duty, so as to provide an exemption for certain spouses and children of certain deceased military persons; to define a certain term; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

SB 377. By Senators Hill of the 32nd, Rogers of the 21st and Wiles of the 37th:

A BILL to be entitled an Act to amend Titles 16, 17, and 42 of the O.C.G.A., relating respectively to crimes and offenses, criminal procedure, and penal institutions, so as to change punishment provisions, registration requirements, and areas where certain offenders can reside as it affects sexual offenders; to provide for legislative findings; to change punishment provisions related to aggravated assault with the intent to rape; to change punishment provisions related to kidnapping; to change punishment provisions related to false imprisonment; to change punishment provisions related to rape; to change certain provisions relating to sodomy and aggravated sodomy; to change certain provisions relating to statutory rape; to provide for other related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

SB 387. By Senator Butler of the 55th:

A BILL to be entitled an Act to provide for a homestead exemption from City of Clarkston ad valorem taxes for municipal purposes in the amount of \$20,000.00 of the assessed value of the homestead for residents of that city who are 65 years of age or over; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide

for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

SB 388. By Senators Seabaugh of the 28th, Balfour of the 9th, Johnson of the 1st and Hill of the 32nd:

A BILL to be entitled an Act to amend Code Section 46-5-164 of the Official Code of Georgia Annotated, relating to interconnection among certificated local exchange companies, so as to provide that in the event of a natural disaster for which federal relief is awarded a local exchange carrier may assess a storm surcharge not to exceed 10 percent of the existing commission approved rate for a period of one year from the date of the disaster; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Regulated Industries and Utilities Committee.

SB 389. By Senators Seabaugh of the 28th, Balfour of the 9th and Johnson of the 1st:

A BILL to be entitled an Act to amend Code Section 46-5-164 of the Official Code of Georgia Annotated, relating to interconnection among certificated local exchange companies, so as to create a funding source for the Georgia Broadband Education Commission from the payments made to the state pursuant to any penalty or performance plans; to promote parity among local exchange carriers; to provide for related matters; to repeal conflicting laws; and for other purposes

Referred to the Regulated Industries and Utilities Committee.

SB 390. By Senators Chance of the 16th, Moody of the 56th, Carter of the 13th, Unterman of the 45th, Staton of the 18th and others:

A BILL to be entitled an Act to amend Part 4 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to financing for quality basic education, so as to require local school systems to spend a minimum amount of operating funds on direct classroom expenditures; to provide a short title; to provide for definitions; to provide for incremental compliance; to provide for a one-year waiver to compliance; to provide for sanctions for noncompliance; to provide for the submission of budget and expenditure information; to provide for rules and regulations; to change certain provisions

relating to expenditure controls for fiscal years 2007 and 2008; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Education and Youth Committee.

SB 391. By Senators Chapman of the 3rd, Heath of the 31st, Hill of the 32nd, Reed of the 35th and Staton of the 18th:

A BILL to be entitled an Act to amend Chapter 61 of Title 36 of the Official Code of Georgia Annotated, the "Urban Redevelopment Law," so as to provide for a moratorium upon the exercise of the power of eminent domain for purposes of urban development; to provide for exceptions; to provide a statement of legislative findings and a statement of intent; to provide for conflicts and construction; to provide for severability; to provide for applicability; to provide for automatic repeal; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

SB 392. By Senators Douglas of the 17th, Grant of the 25th, Schaefer of the 50th, Staton of the 18th, Williams of the 19th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to general provisions relative to parks, historic areas, memorials, and recreation, so as to define certain terms; to provide for a waiver of fees for certain spouses and children of certain deceased military persons; to provide for conditions; to repeal conflicting laws; and for other purposes.

Referred to the Natural Resources and the Environment Committee.

SB 393. By Senators Staton of the 18th, Shafer of the 48th, Chance of the 16th, Chapman of the 3rd, Goggans of the 7th and others:

A BILL to be entitled an Act to amend Code Section 16-5-90 of the Official Code of Georgia Annotated, relating to stalking, so as to provide enhanced penalties for certain aggravated violations of such statute; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

- SB 394. By Senators Staton of the 18th, Shafer of the 48th, Chance of the 16th, Douglas of the 17th, Chapman of the 3rd and others:

A BILL to be entitled an Act to amend Article 6 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to computer systems security, so as to prohibit persons from using the Internet or electronic mail to induce another to provide identifying information by falsely representing themselves to be a business without the authority or approval of the business; to provide definitions; to provide for penalties and sanctions; to provide for civil actions; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Science and Technology Committee.

- SB 395. By Senators Staton of the 18th, Shafer of the 48th, Chapman of the 3rd, Chance of the 16th, Douglas of the 17th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to general provisions concerning telephone and telegraph service, so as to provide that no contract for cellular telephone service entered into in this state shall contain a requirement that such contract be extended or renewed for a longer term in order for the subscriber to obtain a change in the level or type of service provided under the contract; to provide that no cellular telephone service provider shall require that any of its subscribers enter into an extension or renewal of an existing cellular telephone service contract in order to obtain a change in the level or type of cellular telephone service provided by such provider; to provide for related matters; to provide for applicability; to repeal conflicting laws; and for other purposes.

Referred to the Science and Technology Committee.

- SB 396. By Senators Goggans of the 7th, Johnson of the 1st, Williams of the 19th, Whitehead, Sr. of the 24th, Unterman of the 45th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 3 of Title 16 of the Official Code of Georgia Annotated, relating to justification and excuse as a defense to certain crimes, so as to provide that a person who is attacked has no duty to retreat; to provide that such person has a right to meet force with force, including deadly force; to provide for an immunity from prosecution; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

SB 397. By Senators Goggans of the 7th, Thomas of the 54th, Stephens of the 27th, Balfour of the 9th, Unterman of the 45th and others:

A BILL to be entitled an Act to amend Code Section 26-4-80 of the Official Code of Georgia Annotated, relating to dispensing prescription drugs, electronically transmitting drug orders, refills, and Schedule II controlled substance prescriptions, so as to change certain provisions relating to requirements for transmitting prescriptions electronically or via facsimile; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Health and Human Services Committee.

SR 639. By Senator Seabaugh of the 28th:

A RESOLUTION dedicating the SGT Mike Stokely Memorial Highway; and for other purposes.

Referred to the Transportation Committee.

SR 642. By Senators Hill of the 32nd, Rogers of the 21st, Seabaugh of the 28th, Grant of the 25th, Douglas of the 17th and others:

A RESOLUTION proposing an amendment to the Constitution so as to provide that no law providing for or increasing any state purpose tax or license fee shall become effective unless approved by a two-thirds' majority of each branch of the General Assembly; to provide for an exception; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Rules Committee.

SR 649. By Senators Johnson of the 1st, Williams of the 19th and Brown of the 26th:

A RESOLUTION congratulating the Court of Appeals of Georgia on the occasion of its 100th anniversary; and for other purposes.

Referred to the Rules Committee.

SR 652. By Senators Chapman of the 3rd, Heath of the 31st, Hill of the 32nd, Reed of the 35th and Staton of the 18th:

A RESOLUTION proposing an amendment to the Constitution so as to limit the power to take private property through eminent domain so that it shall not

be used for economic development, including an increase in tax revenue, tax base, employment, or general economic health, or for redevelopment; to provide for related matters; to provide for submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Judiciary Committee.

SR 655. By Senators Carter of the 13th, Harp of the 29th, Hamrick of the 30th, Kemp of the 46th, Chance of the 16th and others:

A RESOLUTION proposing an amendment to the Constitution of Georgia so as to protect lottery funds so that they may be reserved only for the HOPE Scholarship Program and other tuition grants, scholarships, or loans to enable citizens of this state to attend colleges and universities within this state, for voluntary pre-kindergarten, and for educational shortfall reserves; to provide for submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Higher Education Committee.

The following committee report was read by the Secretary:

Mr. President:

The Reapportionment and Redistricting Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 386 Do Pass

Respectfully submitted,
Senator Rogers of the 21st District, Chairman

Senator Hooks of the 14th asked unanimous consent that Senator Starr of the 44th be excused. The consent was granted, and Senator Starr was excused.

The roll was called and the following Senators answered to their names:

Adelman	Hill,Jack	Shafer,D
Balfour	Hill,Judson	Smith
Brown	Hooks	Staton
Bulloch	Hudgens	Stephens
Butler	Johnson	Stoner
Cagle	Jones	Tarver

Carter	Kemp	Tate
Chance	Me V Bremen	Thomas,D
Chapman	Miles	Thomas,R
Douglas	Moody	Thompson,C
Fort	Mullis	Thompson,S
Goggans	Pearson	Tolleson
Golden	Powell	Unterman
Grant	Reed	Weber
Hamrick	Rogers	Whitehead
Harbison	Schaefer	Wiles
Harp	Seabaugh	Williams
Heath	Seay	Zamarripa
Henson		

Not answering was Senator Starr (Excused).

The members pledged allegiance to the flag.

Senator Williams of the 19th introduced the chaplain of the day, Reverend Roger Wilkins of Hinesville, Georgia, who offered scripture reading and prayer.

The following resolutions were read and adopted:

SR 646. By Senator Meyer von Bremen of the 12th:

A RESOLUTION honoring the life and memory of Retired Master Sergeant Louie D. Davis; and for other purposes.

SR 647. By Senator Meyer von Bremen of the 12th:

A RESOLUTION commending Assistant Special Agent in Charge Dell Kirkland; and for other purposes.

SR 648. By Senators Johnson of the 1st, Wiles of the 37th, Hill of the 32nd, Rogers of the 21st, Thompson of the 33rd and others:

A RESOLUTION declaring January 7, 2006, as Betty L. Siegel Day in Georgia; and for other purposes.

SR 650. By Senators Seay of the 34th, Butler of the 55th, Reed of the 35th, Miles of the 43rd, Starr of the 44th and others:

A RESOLUTION commending Joseph H. Beasley; and for other purposes.

- SR 651. By Senators Seay of the 34th, Reed of the 35th, Butler of the 55th, Miles of the 43rd, Starr of the 44th and others:

A RESOLUTION recognizing and commending the Clayton County Ecumenical Service in celebration of the national observance in honor of Martin Luther King, Jr.; and for other purposes.

- SR 653. By Senator Heath of the 31st:

A RESOLUTION recognizing and commending the Bremen High School Varsity Competitive Cheerleading Squad; and for other purposes.

- SR 654. By Senators Heath of the 31st and Smith of the 52nd:

A RESOLUTION recognizing Fred Gunn, Jr.; and for other purposes.

- SR 656. By Senators Butler of the 55th, Miles of the 43rd, Seay of the 34th, Tate of the 38th, Henson of the 41st and others:

A RESOLUTION honoring Xernona Clayton; and for other purposes.

- SR 657. By Senator Shafer of the 48th:

A RESOLUTION celebrating the birth of Sibyl Ellen Hunter; and for other purposes.

- SR 658. By Senator Shafer of the 48th:

A RESOLUTION celebrating the birth of Joseph Tucker Ausband; and for other purposes.

- SR 659. By Senator Shafer of the 48th:

A RESOLUTION celebrating the birth of Caitlin Maye Hayes; and for other purposes.

- SR 660. By Senators Carter of the 13th, Goggans of the 7th and Kemp of the 46th:

A RESOLUTION recognizing and commending the law enforcement officers involved in the pursuit and apprehension of an armed robbery suspect in South Georgia on June 3, 2005; and for other purposes.

Senators Carter of the 13th, Goggans of the 7th and Kemp of the 46th recognized representatives of South Georgia law enforcement, commended by SR 660.

SR 661. By Senators Mullis of the 53rd, Hooks of the 14th, Goggans of the 7th, Whitehead, Sr. of the 24th, Harbison of the 15th and others:

A RESOLUTION proclaiming January 10, 2006, as "Sportmen's Day at the Capitol"; and for other purposes.

Senators Mullis of the 53rd and Hooks of the 14th recognized January 10, 2006, as "Sportsmen's Day at the Capitol" commended by SR 661.

Serving as doctor of the day was Dr. Dan Callahan.

Senator Williams of the 19th moved that the Senate adjourn until 10:00 a.m. Wednesday, January 11, 2006.

The motion prevailed, and the President announced the Senate adjourned at 10:53 a.m.